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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,179	03/17/2004	Tsunchiro Kajita	JP920020245US1	3854
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IBM CORPORATION PO BOX 12195 DEPT YXSA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER GOODCHILD, WILLIAM J	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 07/21/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/802,179

**Applicant(s)**

KAJITA, TSUNEHIRO

**Examiner**

WILLIAM J. GOODCHILD

**Art Unit**

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 44 is objected to because of the following informalities: claim 44 is dependent on claim 31, claim 31 has steps 1-11, claim 44 has steps 14-17, it is noted that claim 43 has steps 12-13, but claim 44 is not dependent on claim 43. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 31-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powderly, (US Patent No. 6,732,067), and further in view of Zintal et al., (US Patent No. 6,779,004), (hereinafter Zintal).

Regarding claim 31, Powderly discloses (1) initiating power and starting a POST (Power On Self Test) [Powderly, column 9, lines 11-16];

(2) checking the operation of a communication control section [Powderly, column 9, lines 11-16];

- (3) acquiring a second address number of said communication-enabled information processing device in a communication network [Powderly, column 9, lines 11-16], wherein acquiring said second address number includes checking whether said second address number is stored as a fixed value in a nonvolatile storage section [Powderly, column 8, lines 42-54];
- (4) establishing a link between a first and said second communication-enabled information processing devices [Powderly, column 10, 27-43], wherein establishing said link includes checking whether a first address number of the first communication-enabled information processing device is stored in the nonvolatile storage section [Powderly, column 12, line 57 – column 13, line 14], and wherein establishing said link further includes requesting said first communication-enabled information processing device to establish a link when said first address number is stored in the nonvolatile storage section [Powderly, column 8, lines 42-54];
- (5) sending presentation data to said first communication-enabled information processing device [Powderly, column 10, lines 27-43];
- (6) executing contents received from said first communication-enabled information processing device [Powderly, column 10, lines 27-43];
- (7) terminating the POST [Powderly, column 9, 11-16];
- (8) booting an OS (Operating System) [Powderly, column 7, lines 51-64]
- (9) inheriting the link established in said BIOS operation stage and the second address number [Powderly, column 16, lines 27-43];

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(10) transmitting presentation data to said first communication-enabled information processing device [Powderly, column 7, lines 1-25]; and

(11) executing contents received from said first communication-enabled information processing device [Powderly, column 7, lines 1-25].

Powderly does not specifically disclose wherein establishing said link further includes transmitting a message for finding said first communication-enabled information processing device to the communication network by multicasting if no reply including the first address number is received in the predetermined time period from said first communication-enabled information processing device in response to the link establishment request. However, Zintal discloses sending out a multicast packet [Zintal, column 49, lines 39-43]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate multicasting to identify the machine on the network in order to let other machines know that your machine is on the network.

Regarding claim 32, Powderly further discloses acquiring a second address number includes checking whether said second address number (3) is stored as a fixed value in a nonvolatile storage section [Powderly, column 8, lines 42-54].

Regarding claim 34, Powderly further discloses acquiring a second address number (3) includes using a default second address number if said second address number cannot be obtained by the DHCP [Powderly, column 8, lines 42-54].

Regarding claim 35, Powderly-Zintal further discloses wherein establishing a link (4) includes transmitting a message for finding said first communication-enabled information processing device to the communication network by multicasting [Zintal, column 49, lines 39-43] if said first address number is stored in the nonvolatile storage section [Powderly, column 8, lines 42-54].

Regarding claim 36, Powderly-Zintal further discloses checking whether or not there are a plurality of offers when an offer from said first communication-enabled information processing device is received in the predetermined time period as a result of multicasting the message for finding said first communication-enabled information processing device to the communication network [Zintal, column 49, lines 49-57].

Regarding claim 37, Powderly-Zintal further discloses selecting said first communication-enabled information processing device that transmitted the offer first received in a case where there are a plurality of offers as a result of multicasting the message for finding said first communication-enabled information processing device to the communication network [Zintal, column 49, lines 49-57].

Regarding claim 38, Powderly-Zintal further discloses requesting said first communication-enabled information processing device that transmitted the offer first received to establish the link [Zintal, column 49, lines 49-57].

Regarding claim 39, Powderly-Zintal further discloses requesting said first communication-enabled information processing device that transmitted the received offer in a case where there are not a plurality of offers as a result of multicasting the message for finding said first communication-enabled information processing device to the communication network [Zintal, column 49, lines 49-57].

Regarding claim 40, Powderly further discloses storing the first address number in the nonvolatile storage section if a reply including said first address number is received in the predetermined time period from said first communication-enabled information processing device in response to the link establishment request [Powderly, column 12, line 57 – column 13, line 14].

Regarding claim 41, Powderly further discloses checking whether or not said second address number is a fixed value stored in the nonvolatile storage section if no reply including the first address number is received in the predetermined time period from said first communication-enabled information processing device in response to the link establishment request [Powderly, column 12, line 57 – column 13, line 14].

Regarding claim 42, Powderly further discloses acquiring a second address number is repeated if in said establishing a link, said second address number is a fixed value

stored in the nonvolatile storage section [Powderly, column 12, line 57 – column 13, line 14].

Regarding claim 43, Powderly further discloses (12) in said first communication-enabled information processing device, transmitting a request to said second communication-enabled information processing device for transmission of data corresponding to one frame for refreshment of the display screen of said first communication-enabled information processing device [Powderly, column 6, lines 24-36]; and (13) in said second communication-enabled information processing device, transmitting presentation data corresponding to one frame to said first communication-enabled information processing device when the request for transmission of data corresponding to one frame is received [Powderly, column 6, lines 24-36].

Regarding claim 44, Powderly further discloses (14) in said second communication-enabled information processing device, transmitting a request to said first communication-enabled information processing device for changing the first address number used in said first communication-enabled information processing device [Powderly, column 12, line 57 – column 13, line 14]; (15) in said first communication-enabled information processing device, transmitting a changed first address number when the request for changing said first address number is received [Powderly, column 12, line 57 – column 13, line 14];



(16) in said second communication-enabled information processing device, requesting said first communication-enabled information processing device to establish a link between said first and second communication-enabled information processing devices [Powderly, column 12, line 57 – column 13, line 14]; and

(17) in said first communication-enabled information processing device, transmitting a notice of establishment of a link to said second communication-enabled information processing device when the request for establishment of a link is received [Powderly, column 18, lines 42-54].

3. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powderly-Zintal as applied to claim 31 above, and further in view of Andrews et al, (US Patent Number 5,835,723), (hereinafter Andrews).

Regarding claim 33, Powderly does not specifically disclose acquiring a second address number (3) includes acquiring said second address number by a DHCP (Dynamic Host Configuration Protocol) if said second address number is not stored as a fixed value in the nonvolatile storage section.

However, Andrews discloses using the DHCP protocol for dynamic binding [Andrews, column 1, lines 31-38]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate DHCP to obtain an IP address in order to reduce system administrator workload and allow devices to be added to the network without manual configurations.

***Response to Arguments***

4. Applicant's arguments filed 03/27/208 have been fully considered but they are not persuasive.

Note: Examiner would like to point out that page 10 of response, lines 11-13, the phrase "Thus, Applicants respectfully assert that one having ordinary skill in the art would find motivation to incorporate the peripheral connectivity solution described in Zintal to the system for remote console emulation described generally in Powderly.", would seem to conflict with the remainder of the arguments within the response.

A – Applicant argues "Applicants respectfully assert that Zintal teaches away from incorporating multicasting into a system for remote console emulation".

A - In response to applicant's argument that Zintal teaches away from incorporating multicasting into a system for remote console emulation, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145